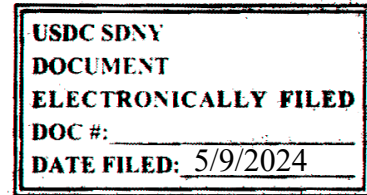


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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ALVIN SCOTT MITCHELL, JR.,

Plaintiff,

23-CV-06428 (SN)

-against-

ORDER

COMMISSIONER OF SOCIAL SECURITY,

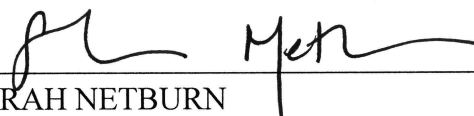
Defendant.
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SARAH NETBURN, United States Magistrate Judge:

On July 25, 2023, the plaintiff filed this action pursuant to 42 U.S.C. § 405(g), seeking review of a denial of social security benefits. On February 9, 2024, I approved a stipulation and agreement by the parties remanding the matter for further review by the Commissioner of Social Security. ECF No. 15. On May 8, 2024, the plaintiff filed a motion for an award of attorney's fees pursuant to 42 U.S.C. § 2412. ECF No. 17.

Because of the Commissioner's unique role and expertise in this area, the Court orders the Commissioner to respond to the plaintiff's motion by May 22, 2024. In particular, the Court directs the Commissioner to address the question of whether the fees amount to an impermissible windfall. See Diberardino v. Commissioner of Social Security, No. 17-cv-02868 (PKC), 2020 WL 6746828 (E.D.N.Y. Nov. 17, 2020).

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: May 9, 2024
New York, New York